

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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| JAVA D. BHUYA, JR., | : | |
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| Plaintiff, | : | MEMORANDUM DECISION AND |
| | : | ORDER |
| – against – | : | |
| | : | 22-CV-6006 (AMD) (AYS) |
| CITIBANK, N.A., | : | |
| | : | |
| Defendant. | : | |
| ----- | X | |
| ANN M. DONNELLY , United States District Judge: | | |

On October 6, 2022, the plaintiff filed this action for violations of the Electronic Fund Transfer Act, the Uniform Commercial Code, and common law breach of contract. (ECF No. 1.) The plaintiff alleged that the defendant sent three unauthorized wire transfers totaling \$161,200 from the plaintiff's Citibank account. (*Id.*) After Citibank made recall requests to beneficiary banks, it credited \$28,000 to the plaintiff's account, but could not recover \$133,000. (*Id.*) The plaintiff brought this action seeking to recover the \$133,000. (*Id.*) On November 10, 2022, Magistrate Judge Anne Y. Shields stayed the action pending arbitration. (*ECF Order dated Nov. 10, 2022.*) Citibank commenced arbitration on November 11, 2022. (No. 23-CV-7082, ECF No. 1 ¶ 17.) The arbitrator denied the plaintiff's claims and held that the American Arbitration Association's \$2,400 administrative fee and the arbitrator's \$2,500 compensation "shall be borne as incurred." (No. 23-CV-7082, ECF No. 1-1 at 5.)

On September 22, 2023, Citibank filed a separate action to confirm and enforce the August 4, 2023 arbitration award. (No. 23-CV-7082, ECF No. 1.) The plaintiff filed an answer to the petition to confirm the arbitration award on December 8, 2023. (No. 23-CV-7082, ECF

No. 9.) The Court consolidated the two pending actions into the first-filed action. (*ECF Order dated Apr. 2, 2024.*)

On April 5, 2024, I referred the petition to Judge Shields for a report and recommendation. (No. 23-CV-7082, *ECF Order dated Apr. 5, 2024.*) On June 6, 2024, Judge Shields recommended that I confirm the arbitration award. (ECF No. 35.) No objections have been filed to the report and recommendation, and the time for doing so has passed.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *VOX Amplification Ltd. v. Meussdorffer*, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014).

I have carefully reviewed Judge Shields’s well-reasoned report and recommendation and find no error.

Accordingly, I adopt the report and recommendation in its entirety and order that the arbitration award be confirmed, and that the administrative fees and arbitrator’s compensation be borne as incurred.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
July 1, 2024